

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSHUA FORDYCE,
Plaintiff,

v.

HEATHER SHIRLEY, et al.,
Defendants.

Case No. [24-cv-07968-SVK](#)

ORDER OF TRANSFER

Plaintiff is a California prisoner at Pelican Bay State Prison who filed this pro se civil rights complaint under 42 U.S.C. § 1983. The complaint concerns events that took place at Wasco State Prison, where all of the Defendants are located.

Venue may be raised by a federal court sua sponte where, as here, a defendant has not yet filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986). Venue generally is proper in a judicial district in which: (1) any defendant resides, if all defendants are residents of the state in which the district is located; (2) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) any defendant is subject to the court's personal jurisdiction, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b).


This judicial district is not the proper venue for this case because none of the Defendants are located in this district, and the events giving rise to Plaintiff's claims did not occur here. Wasco State Prison is in Kern County, which lies within the venue of the Eastern District of California. 28 U.S.C. § 84(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court "in the interest of justice." 28 U.S.C. § 1406(a). The proper venue for this case is the United States Court for the

1 Eastern District of California because that is where Defendants are located and the events giving
2 rise to Plaintiff's claims took place. *See* 28 U.S.C. § 1391(b)(2). In the interests of justice, this
3 case is TRANSFERRED to the United States District Court for the Eastern District of California
4 pursuant to 28 U.S.C. § 1406(a).

5 The Clerk shall transfer this matter forthwith.

6 **SO ORDERED.**

7 Dated: January 23, 2025

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10 Susan van Keulen
11 United States Magistrate Judge
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United States District Court
Northern District of California